

**FILED**

FEB 24 2009

Board of Vocational Nursing  
and Psychiatric Technicians

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8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2005-2487

12 ANNA KATRINA ONGSANSOY  
13 1352 Otterbein Avenue  
Rowland Heights, CA 91748

**A C C U S A T I O N**

14 Vocational Nurse License No. VN 188156

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
19 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational  
20 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs.

21 2. On or about May 3, 1999, the Board issued Vocational Nurse License  
22 No. VN 188156 to Anna Katrina Oongsansoy (Respondent). The Vocational Nurse License was  
23 in full force and effect at all times relevant to the charges brought herein. Respondent's license  
24 expired on October 31, 2008.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the  
27 following laws. All section references are to the Business and Professions Code unless otherwise  
28 indicated.

1           4.     Section 118(b) of the Code provides, in pertinent part, that the expiration  
2 of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during  
3 the period within which the license may be renewed, restored, reissued or reinstated. Under  
4 section 2892.1 of the Code, the Board may renew an expired license at any time within four years  
5 after the expiration.

6           5.     Section 2878 of the Code states:

7           "The Board may suspend or revoke a license issued under this chapter [the  
8 Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)] for any of the following:

9           (f) Conviction of a crime substantially related to the qualifications, functions, and  
10 duties of a licensed vocational nurse, in which event the record of the conviction shall be  
11 conclusive evidence of the conviction.

12           ....

13           (j) The commission of any act involving dishonesty, when that action is related to  
14 the duties and functions of the licensee."

15           6.     Section 2878.5 of the Code states:

16           "In addition to other acts constituting unprofessional conduct within the meaning  
17 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person  
18 licensed under this chapter to do any of the following:

19           (a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
20 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
21 administer to another, any controlled substance as defined in Division 10 of the Health and  
22 Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of  
23 Chapter 9 of Division 2 of this code.

24           (b) Use any controlled substance as defined in Division 10 of the Health and  
25 Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of  
26 Chapter 9, Division 2 of this code, or alcoholic beverages, to an extent or in a manner dangerous  
27 or injurious to himself or herself, any other person, or the public, or to the extent that the use  
28 impairs his or her ability to conduct with safety to the public the practice authorized by his or her

1 license.

2 (c) Be convicted of a criminal offense involving possession of any narcotic or  
3 dangerous drug, or the prescription, consumption, or self-administration of any of the substances  
4 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is  
5 conclusive evidence thereof."

6 7. Section 490 of the Code states:

7 "A board may suspend or revoke a license on the ground that the licensee has  
8 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
9 duties of the business or profession for which the license was issued. A conviction within the  
10 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
11 contendere. Any action which a board is permitted to take following the establishment of a  
12 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
13 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
14 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
15 Penal Code."

16 8. California Code of Regulations, Title 16, section 2521, states:

17 "For the purposes of denial, suspension, or revocation of a license pursuant to  
18 Division 1.5 (commencing with Section 475) of the Business and Profession Code, a crime or act  
19 shall be considered to be substantially related to the qualifications, functions or duties of a  
20 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a  
21 licensed vocational nurse to perform the functions authorized by his license in a manner  
22 consistent with the public health, safety, or welfare."

23 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
24 request the administrative law judge to direct a licensee found to have committed a violation or  
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
26 and enforcement of the case.

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**CONTROLLED SUBSTANCE**

10. "Cocaine" is a Schedule II controlled substance as defined in Health and Safety Code section 11055, subdivision (b)(6), and is categorized as a "dangerous drug" pursuant to Code section 4022.

**FIRST CAUSE FOR DISCIPLINE**

**(Conviction of a Substantially Related Crime)**

11. Complainant refers to and incorporates all the allegations contained in paragraphs 1-10 as though set forth fully herein.

12. Respondent is subject to disciplinary action under section 2878, subdivision (f) and 490 of the Code, as defined California Code of Regulations, title 16, section 2521, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse, as follows:

a. On or about October 30, 2006, Respondent was convicted by the Court on a guilty plea to one count of violating Health and Safety Code section 11550(a) (under the influence of a controlled substance), a misdemeanor, and one count of violating Health and Safety Code section 11350(a) (possession of a controlled substance), a felony, in the Superior Court of California, County of Orange, Harbor Justice Center, Case No. 06HF1078 entitled *The People of the State of California v. Anna Katrina Ongsansoy*.

b. The circumstances surrounding the convictions are that on or about June 11, 2006, Respondent unlawfully used, was under the influence, and possessed a controlled substance, to wit: Cocaine.

c. Respondent was sentenced to, inter alia, three years of formal probation, ninety (90) days in jail, fines, DNA testing pursuant to Proposition 296, Registration pursuant to Health and Safety Code section 11590, and ordered to attend Alcoholics Anonymous/Narcotics Anonymous Meetings for 30 consecutive days. On April 19, 2007, Respondent rejected the drug treatment program offered to her pursuant to Penal Code section 1210.

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1                                   **SECOND CAUSE FOR DISCIPLINE**

2                                   **(Possession of a Controlled Substance)**

3           13.     Complainant refers to and incorporates all the allegations contained in paragraphs  
4 1-10 and 12 as though set forth fully herein.

5           14.     Respondent is also subject to disciplinary action under Code section 2878,  
6 subdivision (a) of the Code, on the grounds of unprofessional conduct, as defined in 2878.5,  
7 subdivision (a), in that on or about June 11, 2006, Respondent, illegally possessed a controlled  
8 substance.

9                                   **THIRD CAUSE FOR DISCIPLINE**

10                               **(Under the Influence of a Controlled Substance)**

11           15.     Complainant refers to and incorporates all the allegations contained in paragraphs  
12 1-10, 12 and 14 as though set forth fully herein.

13           16.     Respondent is also subject to disciplinary action under Code section 2878,  
14 subdivision (a) of the Code, on the grounds of unprofessional conduct, as defined in Code section  
15 2878.5, subdivision (b), in that on or about June 11, 2006, Respondent unlawfully used and was  
16 under the influence of a controlled substance.

17                               **FOURTH CAUSE FOR DISCIPLINE**

18                   **(Conviction Involving the Possession or Self Administering of a Controlled Substance)**

19           17.     Complainant refers to and incorporates all the allegations contained in paragraphs  
20 1-10 and 12, 14, and 16 as though set forth fully herein.

21           18.     Respondent is also subject to disciplinary action under Code section 2878,  
22 subdivision (a) of the Code, on the grounds of unprofessional conduct, as defined in section  
23 2878.5, subdivision (c), in that on or about October 30, 2006, Respondent was convicted for  
24 possession or self administration of a controlled substance.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Dishonest Acts)**

3 19. Complainant refers to and incorporates all the allegations contained in paragraphs  
4 1-10 and 12, 14, 16 and 18 as though set forth fully herein.

5 20. Respondent is subject to disciplinary action under Code section 2878, subdivision  
6 (j) of the Code, on the grounds that Respondent committed acts involving dishonesty related to  
7 the duties and functions of her license.

8 **DISCIPLINE CONSIDERATIONS**

9 21. Complainant refers to and incorporates all the allegations contained in paragraphs  
10 1-10 and 12, 14, 16, 18 and 20 as though set forth fully herein.

11 22. To determine the degree of discipline, if any, to be imposed on Respondent,  
12 Complainant alleges:

13 a. On or about January 30, 2004, Respondent was convicted by the Court on  
14 a guilty plea for violating one count of violating Penal Code section 459-460(b) (burglary second  
15 degree), a felony, in the Superior Court of California, County of Orange, Central Justice Center,  
16 Case No. 03WF0251 entitled *The People of the State of California v. Anna Katrina Ongsansoy*.

17 b. The circumstances surrounding the conviction are that on or about  
18 September 24, 2002, Respondent, willfully and unlawfully entered a jewelry store, located at  
19 9200 Bolsa Avenue, Suite 233, #8 in Westminster, California, and assisted another in stealing  
20 two diamonds totaling \$57,000. Respondent received, inter alia, a four (4) year suspended  
21 sentence and was subject to a five (5) year probationary term.

22 c. At the time Respondent was convicted of the drug related crimes set forth  
23 in paragraph 12, Respondent had not completed the five year probationary term for her  
24 previously violations of Penal Code sections 459-460(b). The terms of that probation included  
25 that Respondent was to obey all laws and specifically required that Respondent remain free of  
26 any convictions for any drug related offenses.

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herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN 188156, issued to Anna Katrina Ongsansoy;
2. Ordering Anna Katrina Ongsansoy to pay the Board reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: February 24, 2009

TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant